

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION

TIMOTHY SHANE PHILLIPS §  
VS. § CIVIL ACTION NO. 1:08cv61  
DIRECTOR, TDCJ-CID §

MEMORANDUM ORDER REGARDING THE MAGISTRATE  
JUDGE'S REPORT AND RECOMMENDATION

Petitioner Timothy Shane Phillips, formerly an inmate confined at the Eastham Unit, proceeding *pro se*, brought this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

The court referred this matter to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this Court. The Magistrate Judge recommends petitioner's motion for default judgment be denied.

The Court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record, pleadings and all available evidence. No objections to the Report and Recommendation of United States Magistrate Judge were filed by the parties.

O R D E R

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct and the report of the magistrate judge is **ADOPTED**. It is therefore  
**ORDERED** that petitioner's motion for default judgment is **DENIED**.

So **ORDERED** and **SIGNED** this **16** day of **March, 2009**.

  
\_\_\_\_\_  
Ron Clark, United States District Judge

